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WORLD CONFERENCE ON HUMAN RIGHTS

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Item 7 of the provisional agenda

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE AND DOCUMENTATION, INCLUDING THE QUESTION OF THE FINAL OUTCOME

Recommendations concerning the provisional agenda of the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

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Introduction

1. At its forty-fifth session, the General Assembly adopted resolution 45/155 of 18 December 1990, entitled "World Conference on Human Rights". In paragraph 10 of that resolution, the General Assembly requested, among others, non-governmental organizations concerned with human rights to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General. The present document is submitted pursuant to that resolution.

RECOMMENDATIONS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS

Commonwealth Medical Association

2. The Commonwealth Medical Association, a non-governmental organization in consultative status with the Economic and Social Council (Roster), provides technical cooperation to national medical associations in the Commonwealth, which includes 50 member States and a total population of 1.3 billion, most of whom live in developing countries. The Commonwealth Medical Association attaches high priority to the protection and promotion of human rights and has as one of its main objectives the formulation and maintenance of a code of ethics for the guidance of its member medical associations.

3. The Commonwealth Medical Association considers that the observance of medical ethics is of fundamental importance to the protection and promotion of human rights. Doctors often find themselves in situations where human rights are at risk. Some of these situations are covered by international declarations, conventions and covenants, and in other cases domestic legislation has extended the protection of human rights to situations not covered by international agreements. But there remains a whole range of human rights whose protection will depend upon the written or unwritten rules of conduct governing certain relationships, of which that which exists between doctors and patients or other persons they may be attending, is one of the most important.

4. It is in this context that the Commonwealth Medical Association has initiated a project entitled "The Role of Medical Ethics in the Protection of Human Rights", the objectives of which are:

> "To create awareness among its member medical associations of the importance of issuing ethical guidelines as a means of protecting and promoting human rights and of ensuring the early recognition of their infringement;
>
> To formulate model principles and guidelines on medical ethics to assist its member medical associations in the preparation of ethical guidance for the medical profession in their respective countries; and
>
> To encourage national medical associations to ensure that principles of medical ethics involving recognized human rights are observed in their respective communities."

5. These objectives were discussed at a meeting of the project's Steering Group in London from 5-7 July 1992, which included representatives of national medical associations of Commonwealth countries. It was noted that one of the resolutions adopted at the Tehran Conference on Human Rights in 1968 (resolution XI) refers to the interlinkage which exists between the utilization of scientific and technological developments and the complex ethical and legal problems these raise with respect to human rights.

6. The Steering Group decided that model principles and guidelines on medical ethics to be developed within the project's objectives should include, inter alia:

(a) Involvement of doctors in the health care management of persons held in detention and in the execution of judicial punishments, e.g. participation of doctors in procedures involving capital and corporal punishment, mutilation, correction and torture, including certification of fitness, etc; inappropriate administration of drugs, nutritional deprivation, intimate body searches, taking of samples, and use of prisoners for research purposes;

(b) Informal choice of or consent to medical intervention; conflicts between the ethical obligations of doctors and interested third parties; and research on human subjects, with special reference to the impact of recent developments such as AIDS/HIV infection;

(c) Reproductive health, e.g. family planning, sterilization, abortion, amniocentesis in the context of gender selection, female circumcision, traditional practices, infertility, genetic screening and counselling, infanticide, and the reduction of maternal and neonatal mortality and morbidity;

(d) The rights and obligations of doctors in providing health care, e.g. the responsibility of doctors in medical emergencies, conscientious objection to procedures such as abortion, and withdrawal of medical services during industrial action; failure to provide adequate health care for vulnerable groups; and false and negligent submission of medical certificates and reports, e.g. failure to record physical signs or symptoms attributable to violence;

(e) Human organ transplantation with special reference to vulnerable groups;

(f) Confidentiality with special reference to recent developments in computerization and to the occurrence of AIDS/HIV infection;

(g) The role of the medical profession in recognizing and preventing violence to women and children with special reference to the vulnerable position of women in society in most developing countries;

(h) The need for improvement of education in medical ethics at undergraduate, postgraduate and continuing medical education levels;

(i) Machinery for the enforcement of ethical principles, e.g. the role and effectiveness of procedures administered by licensing/registration bodies and medical associations and the importance of self-regulation independent of government.

7. The Commonwealth Medical Association is firmly convinced that the ethical guidelines resulting from this project should constitute an important element and input to the proceedings of the World Conference and help to promote the principle of human rights within the medical profession.

8. The Commonwealth Medical Association accordingly requests that the issues raised by this project be examined by the Preparatory Committee of the World Conference at its third session.

International Humanist and Ethical Union

9. The International Humanist and Ethical Union urges the Preparatory Committee to consider the following basic proposals with a view to their inclusion among the questions to be considered by the World Conference on Human Rights:

(a) The World Conference should give specific attention to ways of setting up a permanent, standing overview of the human rights situation worldwide, with means for rapid action where necessary, to overcome the discontinuity and delays involved in annual sessions;

(b) In promoting and restoring human rights, problems arise from the sheer variety of cultural, religious, socio-economic and political conditions that prevail worldwide in over 170 sovereign States, while fresh knowledge and rapid technical change open up ever new vistas of right and responsibility previously quite unknown. Although today's international norms of right and duty rest on a quite distinctive set of values and a specific conception of humanness, the essence of that common underlying basis has never been defined or stated. In a multi-cultural world it would seem appropriate that the World Conference consider the question of drafting and proclaiming a universal declaration of human values to explain, underpin, unify and reinforce the existing body of international human rights instruments. To explain this proposal a draft version of such a declaration is annexed;

(c) The growing complexity and relatedness of rights, environmental and socio-economic issues in particular, and new ways of dealing with this indivisibility of certain rights questions, suggest that the World Conference be able to take due account of this interdisciplinary aspect in so far as it extends beyond the pure confines of international or domestic law;

(d) The World Conference should be in a position to give full weight to the urgent question of raising the status of women worldwide - not simply because women's rights remain neglected but equally because such a policy now seems the most effective way to advance the much-needed role of conscience in human affairs.

Annex

UNIVERSAL DECLARATION OF HUMAN VALUES

Preamble

Convinced that full realization of the Universal Declaration of Human Rights requires acceptance by all peoples of the world of those irreducible values on which rights and duties are founded;

Recalling that disregard of humane values has resulted in barbarous acts that have outraged the conscience of humanity;

Mindful that human beings develop ideals in common through the exercise of their rationality under conditions of social existence;

Conscious that an acceptance of basic shared values by peoples of all nations is a precondition for any global order founded on reason, truth, freedom and compassion;

Recognizing that the peoples of the United Nations, in the Charter and in the Universal Declaration of Human Rights, have affirmed their faith in the dignity and worth of the human person and have resolved to promote social and cultural progress in peace and harmony;

Further convinced that a common understanding and acceptance of basic human ideals must underlie the success of any such undertaking;

Now therefore the ...

Proclaims this Universal Declaration of Human Values as a common ideal and basis of attainment for all peoples and all nations, both in their personal and their collective relations.

Article 1. Awareness of values

Self-awareness, of the human person as a unique and responsible social being endowed with reason and conscience, is the ultimate source of all recognition of values.

Article 2. Reason

Reason, a hallmark of humanness, is an essential faculty in promoting the moral progress and well-being of humankind, enabling human beings to have a view of their own existence and a world view that together activate their thoughts, beliefs and actions. Pursuit of rational thinking is thus to be seen both as an intrinsic human attribute and a human value.